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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

174015

APPEAL FROM FAIRFIELD COUNTY  
Court of Common Pleas

The Honorable R. Knox McMahon, Circuit Court Judge

**RECEIVED**

OCT 30 2014

Case No. 2012-CP-20-00316  
Appellate Case No. 2014-001153

**SC Court of Appeals**

Mary Wall Black, .....Plaintiff,

v.

BI-LO, LLC and Unifirst Corporation .....Defendants,

Of Which

BI-LO, LLC is .....Appellant

And Unifirst Corporation is .....Respondent.

RESPONDENT UNIFIRST CORPORATION'S MOTION TO REDACT CERTAIN  
PORTIONS OF THE RECORD ON APPEAL AND FOR LEAVE TO SUBMIT  
AMENDED FINAL BRIEFS

Gray T. Culbreath (S.C. Bar No. 11907)  
Lindsay A. Joyner (S.C. Bar No. 77437)  
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ATTORNEYS FOR RESPONDENT  
UNIFIRST CORPORATION

Pursuant to Rules 240 and 267 of the South Carolina Appellate Court Rules (“SCACR”), Respondent Unifirst Corporation (“Unifirst”), by and through its undersigned counsel, moves this Court for an Order instructing Appellant BI-LO, LLC, to redact the portions of the Record on Appeal which have been stricken by the Court’s Order of October 15, 2014, a copy of which is attached hereto as **Exhibit A**. Those portions are contained in the Record on Appeal, pages 103-144.

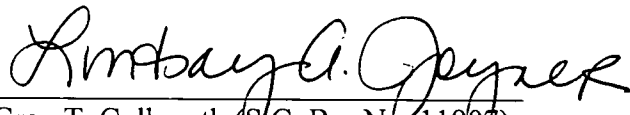
On August 19, 2014, Unifirst moved pursuant to Rule 210 (c), SCACR, to strike certain portions of Appellant’s Designation of Matter from the Record on Appeal. Those portions requested to be stricken included numbers 12, 13, and 14 on Appellant’s Designation of Matter because they were not properly before the Court as they were never presented to the circuit court. However, since Rule 240, SCACR, provides that motions do not hold the remaining time limits in abeyance unless the Rules specifically state a particular motion does so, the parties continued to file their appropriate pleadings. Appellant filed its initial reply brief as well as the Record on Appeal, which contained the documents that were the subject of Unifirst’s motion. (*See R.* pp. 103-144). Both parties also filed Supplemental Records on Appeal and timely filed their final briefs. On October 15, 2014, the Court granted Unifirst’s motion.

Additionally, Appellant’s Final Brief and Final Reply Brief cite to the pages that, given the Court’s Order granting Unifirst’s Motion to Strike, should be redacted. (*See e.g.*, App. Br. pp. 5-8, 11; Reply pp. 6-7). Moreover, citing Appellant’s brief, Respondent’s Final Brief argues that the Court should not consider the parts of the Record on Appeal that the Court’s October 15, 2014 Order deemed improper. (*See Resp. Br.* p. 18). References to the material that should be stricken in the Record on Appeal should also be stricken from the briefs. Therefore, Respondent requests the Court order the parties to amend their final briefs such that there is no reference to

pages 103-144 of the Record on Appeal which should be redacted pursuant to the Court's October 15, 2014 Order.

Accordingly, Unifirst respectfully requests that Appellant be ordered to redact the portions of the Record on Appeal which were the subject of the Court's Order filed October 15, 2014 and that the parties be ordered to submit amended final briefs that remove any reference to the stricken pages of the Record on Appeal.

Respectfully submitted,



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ATTORNEYS FOR RESPONDENT UNIFIRST  
CORPORATION

# **EXHIBIT A**

# The South Carolina Court of Appeals

Mary Wall Black, Respondent,

v.

Bi-Lo, LLC and Unifirst Corporation, Defendants,

Of which Bi-Lo, LLC is the Appellant,

And Unifirst Corporation is also Respondent.

Appellate Case No. 2014-001153

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## ORDER

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After careful consideration, Respondent Unifirst Corporation's motion to strike is granted. *See* Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.").

Additionally, because this Court has now received Appellant's initial reply brief, Appellant's request for an extension to serve and file Appellant's initial reply brief is granted.

  
FOR THE COURT

Columbia, South Carolina

cc:

Mark Steven Barrow, Esquire  
Zack Owen Atkinson, Esquire  
Gray Thomas Culbreath, Esquire  
Ryan C. Holt, Esquire  
Lindsay Anne Joyner, Esquire

**FILED**  
10/15/14

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM FAIRFIELD COUNTY  
Court of Common Pleas

The Honorable R. Knox McMahon, Circuit Court Judge

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Of Which

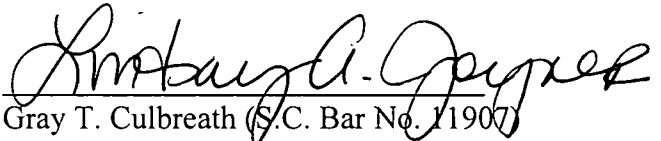
BI-LO, LLC is .....Appellant

And Unifirst Corporation is. .... Respondent.

**PROOF OF SERVICE**

I certify that on October 30, 2014, I served copies of Respondent Unifirst Corporation's  
Motion to Redact Certain Portions of the Record on Appeal and for Leave to Submit Amended  
Final Briefs by United States mail, postage prepaid, addressed to:

Mark S. Barrow  
Ryan C. Holt  
Sweeny, Wingate & Barrow, P.A.  
P.O. Box 12129  
Columbia, SC 29211



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October 30, 2014

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SC Court of Appeals

**VIA HAND DELIVERY**

South Carolina Court of Appeals  
Attn: Jenny Abbot Kitchings, Clerk  
1015 Sumter Street  
Columbia, SC 29201

Re: Mary Wall Black v. Bi-Lo, LLC and UniFirst Corporation  
Case No.: 2012-CP-20-00316  
Appellate Case No. 2014-001153  
GWB File No. 2-3182

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of Respondent Unfirst Corporation's Motion to Redact Certain Portions of the Record on Appeal and for Leave to Submit Amended Final Briefs in the above referenced matter. Please file the original and return a clocked-in copy to the courier.

By copy of this letter, all counsel of record have been served with a copy of the same.

Thank you for your attention to this matter.

Sincerely,

Lindsay A. Joyner  
Direct Dial: 803-724-1706  
Email: ljoyner@gwblawfirm.com

Enclosures

cc: Mark S. Barrow, Esquire (w/enclosure)